

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

COMMAND CENTER, INC.,

Plaintiff,

-against-

LABOR SMART, INC.,

Defendant.

LABOR SMART, INC.,

Plaintiff,

-against-

COMMAND CENTER, INC.,

Defendant.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 9/13/17

Case No.15-cv-4407(DAB)

DEFAULT JUDGMENT

Consolidated Action
Case No.15-cv-5398(DAB)

WHEREAS, this Court issued an order dated April 19, 2017 granting Command Center, Inc.'s motion to withdraw and requiring Labor Smart, Inc., a corporate entity, to obtain new counsel in these consolidated actions; and

WHEREAS, Labor Smart, Inc. failed to obtain new counsel as required and, on June 23, 2017, the Clerk of this Court issued a Clerk's Certificate certifying Labor Smart's default; and

WHEREAS, Command Center, Inc. duly moved for a default judgment on June 27, 2017 by a Notice of Motion and supporting documents, which was served both by e-filing and by Federal Express upon Labor Smart, Inc., as evidenced by the filed Affidavit of Service dated June 27, 2017; and

WHEREAS, Labor Smart, Inc. defaulted on the motion for a default judgment;

NOW, THEREFORE, it is hereby ORDERED, ADJUDGED AND DECREED THAT:

1. The motion by Command Center, Inc. for a default judgment in these consolidated actions is granted, granting Command Center, Inc. judgment against Labor Smart, Inc. on its cause of action for breach of contract and dismissing any claims or counterclaims asserted by Labor Smart, Inc.; and
2. The Clerk of the Court shall enter this Judgment in favor of Command Center, Inc. and against Labor Smart, Inc. in the amount of \$339,507.86, being the amount due under the relevant promissory note dated March 27, 2014, plus the attorneys' fees and disbursements incurred in connection with this action as provided in the promissory note, in the amount of \$142,697.61, for a total judgment in the amount of **\$484,449.14**, plus post judgment interest from the date of Judgment pursuant to 28 U.S.C. 1961. *143,191.67*
\$482,699.53 *18/DAB*
9/13/17

Dated: August __, 2017

SO ORDERED:

Deborah A. Batts

Deborah A. Batts, U.S.D.J.

9/13/17